



COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION

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**PLANNING COMMISSION  
TUESDAY, FEBRUARY 11, 2003**

**CITY COUNCIL CHAMBERS  
CIVIC CENTER  
17555 PEAK AVENUE  
MORGAN HILL, CA**

**COMMISSIONERS**

CHAIR GENO ACEVEDO  
VICE-CHAIR JOSEPH MUELLER  
COMMISSIONER ROBERT J. BENICH  
COMMISSIONER ROBERT ENGLES  
COMMISSIONER ROBERT L. ESCOBAR  
COMMISSIONER RALPH LYLE  
COMMISSIONER CHARLES D. WESTON

**REGULAR MEETING - 7:00 P.M.**

**\*\*\* A G E N D A \*\*\***

**NOTICE TO THE PUBLIC**

*The following policies shall govern the conduct of the Planning Commission meetings:*

- *All Planning Commission proceedings are tape-recorded.*
- *Individuals wishing to address the Planning Commission on a particular item should fill out a speaker card and present it to the Secretary. This will assist the Chairperson in hearing your comments at the appropriate time.*
- *When the Chairperson invites you to address the Commission, please state your name and address at the beginning of your remarks.*
- *Speakers will be recognized to offer presentations in the following order:*
  - *Those supporting the application*
  - *Those opposing the application*
  - *Those with general concerns or comments*
  - *Presentations are limited to 5 minutes.*

**DECLARATION OF POSTING OF AGENDA IN ACCORDANCE WITH  
GOVERNMENT CODE SECTION 54954.2 - SECRETARY REPORT**

**OPEN PUBLIC COMMENT PERIOD (5 MINUTES)**

Now is the time for presentation from the public on items **NOT** appearing on the agenda that are within the Planning Commission's jurisdiction. Should your comments require Commission action, your request will be placed on the next appropriate agenda. No Commission discussion or action may be taken until your item appears on a future agenda. You may contact the Planning Division for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your comments to five (5) minutes.

**MINUTES:** January 14, 2003 and January 28, 2003

**NEW BUSINESS:**

1. **ZONING AMENDMENT, ZA-02-11/SUBDIVISION, SD-02-08: SHAFER-BAMDAD:** A request for approval of a precise development plan and residential subdivision of a 15-unit single-family project on an 8.583-acre site. The project site is located west of Hill Rd., at the terminus of Shafer Ave. and Katybeth Way, north of Conte Way in an R-1 (12,000)/RPD zoning district. (APN 728-10-005)

**Recommendation:** Open public hearing/Recommend approval of the Mitigated Negative Declaration and Adopt Resolution Nos. 03-04 (zoning amendment), and 03-05 (subdivision), with recommendation to forward requests to the City Council for approval.

2. **ZONING AMENDMENT, ZA-02-18: COCHRANE-IN-N-OUT BURGER/APPLEBEE'S:** A request for approval to amend the precise development plan for the Planned Unit Development located at the NW quadrant of Cochrane Rd and Hwy 101 to allow for a 3,253-sf drive-thru fast food restaurant and a 5,096-sf sit-down restaurant on a 2.49-acre site. (APNs 726-33-023 & -024)

**Recommendation:** Open public hearing/Recommend approval of Mitigated Negative Declaration and adopt Resolution No. 03-06A, recommending Council approval of a PUD amendment to allow for the construction of a 5,096-sf sit-down restaurant, with conditions, and denial of a drive-thru fast food use; or if the Commission wishes, adopt Resolution No. 03-06B, recommending Council approval of both the 5,096-sf sit-down restaurant and drive-thru fast food use.

3. **USE PERMIT, UP-02-12: COCHRANE-IN-N-OUT BURGER/APPLEBEE'S:** A request for approval to allow for an approximate 3,253-sf drive-thru fast food facility to be located at the NW quadrant of Cochrane Rd and Hwy 101. (APNs 726-33-023 & -024)

**Recommendation:** Open public hearing/Adopt Resolution No. 03-07A, denying the request; or if the Commission wishes, Adopt Resolution No. 03-07B, approving the request.

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4. **GENERAL PLAN AMENDMENT, GPA-02-05/URBAN SERVICE AREA, USA-02-03/ANNEXATION, ANX-02-03/ZONING AMENDMENT, ZA-02-14: CITY OF MORGAN HILL/CONDIT-LOMANTO/AQUATIC CENTER:** Applications have been filed to include an 8.75 acre parcel located on the southeast corner of the intersection of Barrett Ave. and Condit Rd., within the Urban Service Area boundary and City Limits of the City of Morgan Hill. The General Plan land use designation is proposed to be changed from the current designation of Rural County to Public Facility. The zoning designation is proposed to be changed from County A-20A to City zoning designation PF, Public Facility. (APN 817-13-017)

**Recommendation:** Open public hearing/Recommend approval of Mitigated Negative Declaration and Adopt Resolution Nos. 03-08 (general plan amendment), 03-09 (urban service area), 03-10 (zoning amendment), and 03-11 (annexation), with recommendation to forward requests to the City Council for approval.

5. **GENERAL PLAN AMENDMENT, GPA-02-09: CITY OF MORGAN HILL-GENERAL PLAN MAP CORRECTIONS:** A City initiated amendment to the General Plan to change the following General Plan designations: Amend 15 lots totaling 62.3 acres within the City's Sphere of Influence that does not have a General Plan Designation to Rural County. (APNs 779-06-009 thru 022 and 779-18-001 thru 004); Amend a 1.45 acre lot from Single-Family Medium to Single-Family Low. (APN 773-08-012); Amend four lots totaling 8 acres from Residential Estate to Single-Family Low. (APNs 773-08-013,014,015,016); Amend a 4.2 acre lot from Commercial to Light Industrial. (APN 726-35-003); Amend the Urban Growth Boundary to include a 4.4 acre lot. (APN 726-37-006); and Amend a 5.3 acre lot within the City's City Limit that does not have a General Designation to Industrial. (APN 817-05-022)

**Recommendation:** Open public hearing/Adopt Resolution No. 03-12, with recommendation to forward request to the City Council for approval.

6. **FINAL SCHEDULE OF MEASURE "P" REVIEW:** Approve final schedule for review of residential projects in the Open/Market Rate, Affordable and Micro Measure P competitions.

**Recommendation:** Approve by minute action.

### **TENTATIVE UPCOMING AGENDA ITEM FOR THE FEBRUARY 25, 2003 MEETING:**

- **ZA-02-21: City of Morgan Hill-Update Zoning Map Amendment**
- **UPA-92-04: Monterey-DiVitorrio**
- **DA-03-01: Christeph-Kamangar/Pine Brothers Trust**
- **MMP-03-02: Dewitt-Marquez/Gluhaich**
- **Fence Height Review**
- **Review of the Institute of Mathematics Golf and Conference Center EIR**
- **Street Standards**

### **ANNOUNCEMENTS:**

### **CITY COUNCIL REPORTS**

### **ADJOURNMENT**

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**SPEAKER CARD**

*IN ACCORDANCE WITH GOVERNMENT CODE 54953.3, IT IS NOT A REQUIREMENT TO FILL OUT A SPEAKER CARD IN ORDER TO SPEAK TO THE PLANNING COMMISSION. HOWEVER, it is very helpful to the Commission if you would fill out the Speaker Card that is available on the counter in the Council Chambers. Please fill out the card and return it to the Deputy City Clerk. As your name is called by the Chairperson, please walk to the podium and speak directly into the microphone. Clearly state your name and address and proceed to comment upon the agenda item. Please limit your remarks to three (3) minutes.*

**NOTICE**

**AMERICANS WITH DISABILITY ACT (ADA)**

*The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.*

*If assistance is needed regarding any item appearing on the Planning Commission agenda, please contact the Office of the City Clerk at City Hall, 17555 Peak Avenue or call 779-7259 or Hearing Impaired only - TDD 776-7381 to request accommodation.*

**NOTICE**

*NOTICE IS GIVEN pursuant to Government Code Section 65009, that any challenge of any of the above agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to the Public Hearing on these matters.*

**NOTICE**

*The time within which judicial review must be sought of the action taken by the Planning Commission which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.*